



Confirmation No.: 4801

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicants:	Roby et al.	Examiner:	J. D. Anthony
Serial No.:	10/674,643	Group:	Art Unit 1714
Filing Date:	September 30, 2003	Docket:	T-6172 (538-52)
For:	ENGINE OIL COMPOSITIONS	Dated:	July 31, 2007

MAIL STOP APPEAL BRIEF-PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF APPELLANTS' BRIEF

Sir:

Enclosed please find APPELLANTS' BRIEF.

Please charge Deposit Account No. 50-3591 to cover the appeal fee of \$500.00.

Also, please charge any deficiency as well as any other fee(s) which may become due under 37 C.F.R. § 1.17, or credit any overpayment of such fee(s) to Deposit Account No. 50-3591. Also, in the event any additional extensions of time are required, please treat this paper as a petition to extend the time as required and charge Deposit Account No. 50-3591. TWO (2) COPIES OF THIS SHEET ARE ENCLOSED.

Respectfully requested.

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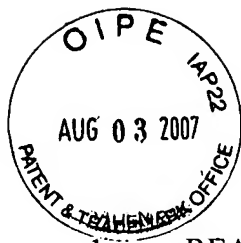


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APPELLANTS' BRIEF

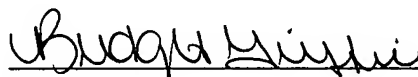
Sir:

In response to the final Office Action dated November 30, 2006 and the Advisory Action dated March 16, 2007, Applicants appeal pursuant to the Notice of Appeal filed on March 29, 2007 and received in the U.S. Patent and Trademark Office on April 2, 2007. Pursuant to 37 C.F.R. §41.37, one copy of this brief is submitted in connection with the appeal which has been taken herein.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the: MAIL STOP APPEAL BRIEF-PATENTS Commissioner for Patents, Alexandria, VA 22313-1450 on July 31, 2007.

Dated: July 31, 2007


Bridget Griffin

(1) **REAL PARTY IN INTEREST**

The real party in interest for this application is Chevron Oronite Company, LLC.

(2) **RELATED APPEALS AND INTERFERENCES**

There are no other related appeals or interferences for this application.

(3) **STATUS OF CLAIMS**

Claims 1-31 are pending, stand rejected and are under appeal. All of these claims have been finally rejected and constitute the claims on appeal.

A copy of appealed Claims 1-31 as pending is presented in the Appendix.

(4) **STATUS OF AMENDMENTS**

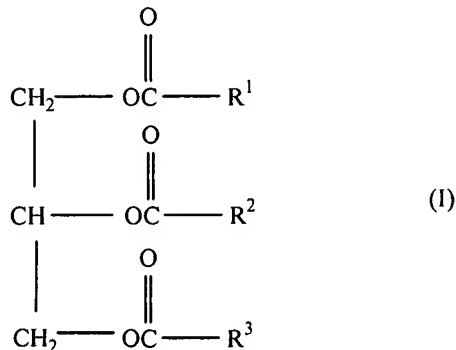
Appellants' claims were finally rejected in a final Office Action mailed November 30, 2006. Appellants submitted a Response on February 28, 2007 in response to the final Office Action. An Advisory Action was mailed on March 16, 2007 in which the Response was entered by the Examiner but considered to not place the application in condition for allowance.

(5) **SUMMARY OF CLAIMED SUBJECT MATTER**

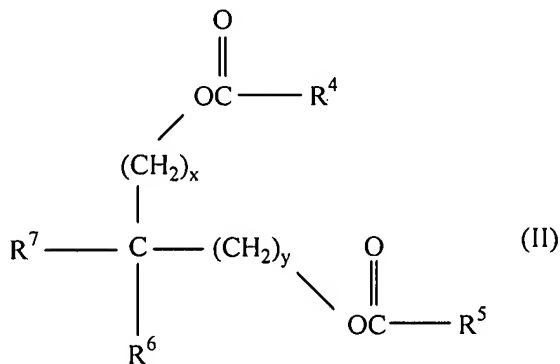
One invention of the appealed claims provides a lubricating oil composition (page 1, lines 5-6, and page 5, lines 2-4). The lubricating oil composition of the first invention comprises (a) a major amount of a base oil of lubricating viscosity (page 5, lines 4-6; page 9, lines 5-8; and page 10, line 4 through page 15, line 3); and (b) a minor deposit-inhibiting

effective amount of a reaction product prepared by transesterifying at least one glycerol ester with at least one non-glycerol polyol ester (page 5, lines 18-22; page 8, lines 21-23 and page 12, line 15 through page 17, line 6).

A second invention of the appealed claims provides a lubricating oil composition (page 1, lines 5-6, and page 5, lines 9-10). The lubricating oil composition of the second invention comprises (a) a major amount of a base oil of lubricating viscosity (page 5, lines 9-10; and page 9, line 1 through page 10, line 4 through page 15, line 3); and (b) a minor deposit-inhibiting effective amount of a reaction product of at least one first polyol ester of the general formula:

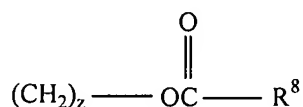


wherein R^1 , R^2 and R^3 are independently aliphatic hydrocarbyl moieties having 4 to about 75 carbon atoms; and at least one second polyol ester of the general formula:



wherein x and y are the same or different and are integers from 1 to 6, R^4 and R^5 are

independently aliphatic hydrocarbyl moieties having 4 to 24 carbon atoms and R⁶ and R⁷ are independently hydrogen, an aliphatic hydrocarbyl moiety having 1 to 10 carbon atoms or



wherein z is an integer from 0 to 6 and R⁸ is an aliphatic hydrocarbyl moiety having 4 to 24 carbon atoms (page 5, line 10 through page 6, line 8; and page 15, line 4 through page 21, line 5).

(6) GROUND OF REJECTION TO BE REVIEWED ON APPEAL

The grounds of rejection presented in this appeal are the following:

(1) Claims 1-11, 15, 18-22 and 26-31 stand rejected under 35 U.S.C. §102(b) as anticipated over Kodali et al. U.S. Patent No. 6,278,006 ("Kodali et al.").

(2) Claims 12 and 23 stand rejected under 35 U.S.C. §102(b) as anticipated over Kodali et al.

(3) Claims 12 and 23 stand rejected under 35 U.S.C. §103(a) as being obvious over Kodali et al.

(4) Claims 1-31 stand rejected under 35 U.S.C. §103(a) as being obvious over Lal U.S. Patent No. 5,338,471 ("Lal") in view of Kodali et al.

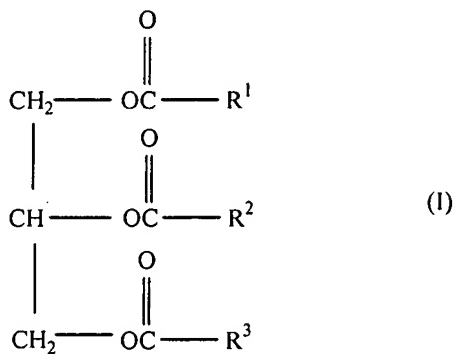
(7) ARGUMENT

A. Kodali et al. Fail to Anticipate Appealed Claims 1-11, 15, 18-22 and 26-31

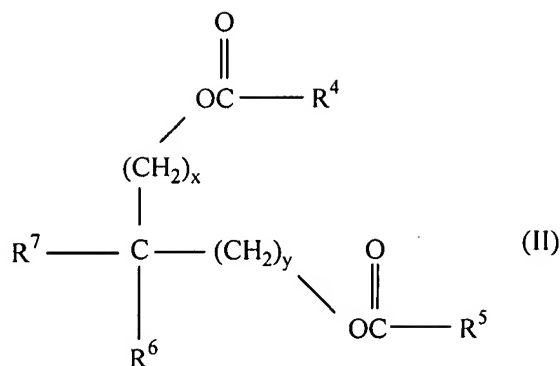
Kodali et al. disclose base oils prepared by transesterifying a first glycerol polyol ester with a second non-glycerol polyol ester. Kodali et al. further disclose that

transesterification of the two polyol esters randomizes the distribution of fatty acids among the polyol backbones, resulting in the transesterified products having properties different from each of the original polyol esters. The oils disclosed therein can further contain one or more additives such as an antioxidant, an antiwear additive, a pour-point depressant, an antirust additive, or an antifoam additive. Accordingly, the primary goal of Kodali et al. is to provide *an oil* having improved lubrication properties by transesterifying short saturated fatty acid esters with triacylglycerol containing oils, such as vegetable oils, and adding one or more additives therein.

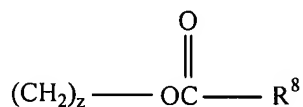
In contrast to the presently claimed invention, Kodali et al. fail to disclose a lubricating oil composition within the scope of Claim 1, comprising, “(a) a major amount of a base oil of lubricating viscosity and (b) a minor deposit-inhibiting effective amount of a reaction product prepared by transesterifying at least one glycerol ester with at least one non-glycerol polyol ester”. Kodali et al. also fail to disclose a lubricating oil composition within the scope of Claim 15, comprising, “(a) a major amount of a base oil of lubricating viscosity and (b) a minor deposit-inhibiting effective amount of a reaction product of at least one first polyol ester of the general formula:



wherein R^1 , R^2 and R^3 are independently aliphatic hydrocarbyl moieties having 4 to about 75 carbon atoms; and at least one second polyol ester of the general formula:



wherein x and y are the same or different and are integers from 1 to 6, R⁴ and R⁵ are independently aliphatic hydrocarbyl moieties having 4 to 24 carbon atoms and R⁶ and R⁷ are independently hydrogen, an aliphatic hydrocarbyl moiety having 1 to 10 carbon atoms or



wherein z is an integer from 0 to 6 and R⁸ is an aliphatic hydrocarbyl moiety having 4 to 24 carbon atoms”.

The Examiner has refused to recognize that it is a well established rule that for a claim to be anticipated a single prior art reference must disclose each and every element of the claimed invention. *Lewmar Marine, Inc. v. Barient, Inc.*, 827 F.2d 744, 747, 3 USPQ2d 1766, (Fed. Cir. 1987). In contrast to the presently claimed invention, Kodali et al. disclose base oils prepared by transesterifying a first glycerol polyol ester with a second non-glycerol polyol ester which can be formulated with about 0.001% to about 20%, based on weight, of one or more additives. Thus, the transesterfied oil product disclosed in Kodali et al. is used in a major amount together with a minor amount (i.e., about 0.001% to about 20%, based on weight) of one or more additives such as antioxidants, anti-foam additives, anti-wear additives, corrosion

inhibitors, dispersants, detergents, and acid neutralizers. Accordingly, nowhere in Kodali et al. is there any disclosure of a lubricating oil composition containing (a) a major amount of a base oil of lubricating viscosity and (b) a minor deposit-inhibiting effective amount of the presently recited reaction product. As such, Kodali et al. do not disclose all of the elements and limitations of the claimed invention.

In order to meet his burden of proving a rejection based on anticipation, the Examiner alleges that “Applicant’s claims are deemed to be anticipated over Example 4 wherein a model is constructed for the transesterification of IMC-130 oil (canola oil) and TMPTH (trimethylolpropane triheptanoate) as shown in FIG. 3. A review of FIG. 3 clearly shows that at lower concentrations of TMPTH reactant (lower than about 15%), the concentration of the transesterified reaction product of IMC-130 oil and TMPTH is in a minor amount compared to the concentration of the unreacted IMC-130 oil which would be in a major amount.” [Original Emphasis]

Applicants’ disagree with the Examiner’s position. In contrast thereto, Example 4 in Kodali et al. discloses the *reaction product* of IMC 130 oil with TMPTH, , which is the reaction product employed in a minor amount as presently recited in the claimed lubricating oil compositions. As stated in column 10, lines 58-63 of Example 4 in Kodali et al., “[a] statistical model based on a random distribution was developed to determine how the long chain fatty acids of IMC 130 oil TAGs (triacylglycerols) and the short chain fatty acids of the non-glycerol ester would be distributed when short chain fatty acid esters were transesterified with IMC-130 oil at different concentrations.” Figure 3 was included to show the results of the model as a graph of the predicted fatty acid distribution of the TAGs of TMPTH and IMC-130 transesterified products

at different concentrations (see, e.g., column 10, lines 63-65 of Kodali et al., which states “[t]he model constructed for the transesterification of IMC-130 oil and TMPTH is shown in FIG. 3.” Thus, contrary to the Examiner’s position, nowhere in Example 4 or Figure 3 is there any disclosure of a lubricating oil composition containing a major amount of a base oil of lubricating viscosity and a minor amount of the presently recited reaction product. As stated above, Example 4 and Figure 3 merely disclose the reaction product of IMC 130 oil and TMPTH, which is the reaction product employed in a minor amount as presently recited in the claimed lubricating oil compositions. Any unreacted components resulting from the reaction of IMC 130 oil and TMPTH *would merely be a part of the reaction product as recited in the claim* and not the major amount of a base oil of lubricating viscosity as alleged by the Examiner.

For the foregoing reasons, appealed Claims 1-11, 15, 18-22 and 26-31 are not anticipated by Kodali et al. and the rejection should be withdrawn. Accordingly, appealed Claims 1-11, 15, 18-22 and 26-31 are allowable.

B. Kodali et al. Fail to Anticipate Appealed Claims 12 and 23

The foregoing deficiencies of Kodali et al. discussed above with respect to the rejections of Claims 1 and 15, from which Claims 12 and 23 ultimately depend, apply with equal force to this rejection. As Kodali et al. nowhere disclose a lubricating oil composition as presently recited in appealed Claims 1 and 15, Kodali et al. certainly cannot disclose the limitations of dependent Claims 12 and 23 for at least the same reasons. Accordingly, appealed Claims 12 and 23 are also not anticipated by Kodali et al. and the rejection should be withdrawn. Therefore, appealed Claims 12 and 23 are allowable.

- C. Kodali et al. Fail to Establish the *Prima Facie*
Obviousness of the Lubricating Oil Composition of
Appealed Claims 12 and 23

neutralizer.

At no point is there any appreciation in Kodali et al. of employing a minor deposit-inhibiting effective amount of the specifically recited reaction product in a lubricating oil composition much less a lubricating oil composition containing (a) a major amount of a base oil of lubricating viscosity and (b) a minor deposit-inhibiting effective amount of the specifically recited reaction product. The about 0.1 to about 8 wt. %, based on the total weight of the composition, of the minor deposit-inhibiting effective amount of the reaction product of the present invention is dramatically lower than the amount that would be used for the transesterified reaction product disclosed in Kodali et al., formulated with a minor amount (i.e., about 0.001% to about 20%, based on weight) of one or more additives. Thus, nothing in Kodali et al. would lead one skilled in the art to modify the oils prepared by transesterifying a first glycerol polyol ester with a second non-glycerol polyol ester as disclosed therein and arrive at the specifically recited lubricating oil compositions of amended Claims 1 and 15, from which Claims 12 and 23 depend. Further, nothing in Kodali et al. would lead one skilled in the art to modify the base oils for use in industrial applications prepared by transesterifying a first glycerol polyol ester with a second non-glycerol polyol ester as disclosed therein and arrive at the lubricating oil composition containing (a) a major amount of a base oil of lubricating viscosity and (b) a minor deposit-inhibiting effective amount of the specifically recited reaction product wherein the minor deposit-inhibiting effective amount of the reaction product is about 0.1 to about 8 wt. %, based on the total weight of the composition as presently recited in appealed Claims 12 and 23.

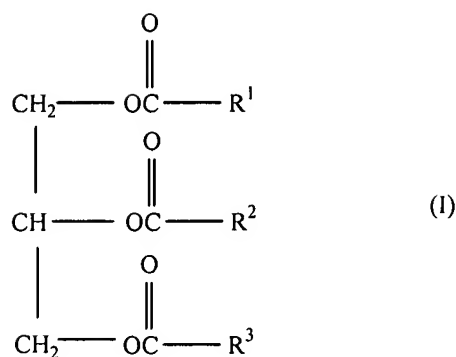
For the foregoing reasons, appealed Claims 12 and 23 are also non-obvious, and therefore patentable, over Kodali et al. and the rejection should be withdrawn. Accordingly,

appealed Claims 12 and 23 are allowable.

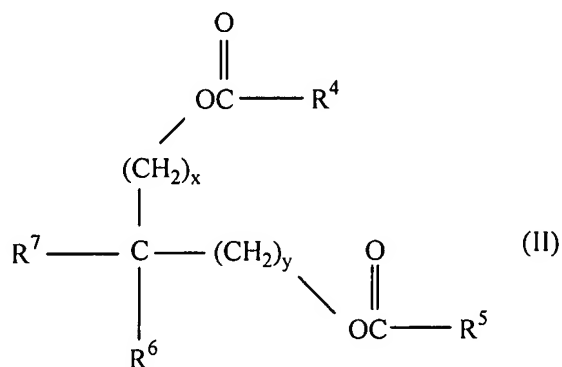
D. The Combined References of Lal and Kodali et al.
Fail to Establish the *Prima Facie* Obviousness of the
Lubricating Oil Composition of Appealed Claims 1-31

Lal discloses a composition comprising (A) at least one vegetable or synthetic triglyceride oil; (B) esters from the transesterification of at least one animal or vegetable oil triglyceride; (C) a pour point depressant; (D) at least one performance additive and optionally (E) at least one oil selected from the group consisting of (1) synthetic ester base oil, (2) a mineral oil; (3) a polyalphaolefin; and (4) a vegetable oil. Lal further discloses that ester component (B) is prepared by transesterifying at least one animal or vegetable oil triglyceride with an alcohol or phenol.

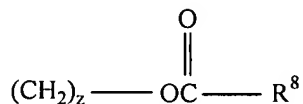
In contrast to the presently claimed invention, and as acknowledged by the Examiner, Lal fails to disclose a lubricating oil composition within the scope of amended Claim 1, comprising, *inter alia*, “a minor deposit-inhibiting effective amount of a reaction product prepared by transesterifying at least one glycerol ester with at least one non-glycerol polyol ester”. As further acknowledged by the Examiner, there is no disclosure or suggestion in Lal of a lubricating oil composition within the scope of Claim 15, comprising, *inter alia*, “a minor deposit-inhibiting effective amount of a reaction product of at least one first polyol ester of the general formula:



wherein R^1 , R^2 and R^3 are independently aliphatic hydrocarbyl moieties having 4 to about 75 carbon atoms; and at least one second polyol ester of the general formula:



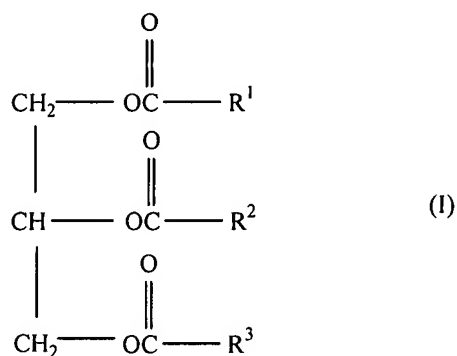
wherein x and y are the same or different and are integers from 1 to 6, R^4 and R^5 are independently aliphatic hydrocarbyl moieties having 4 to 24 carbon atoms and R^6 and R^7 are independently hydrogen, an aliphatic hydrocarbyl moiety having 1 to 10 carbon atoms or



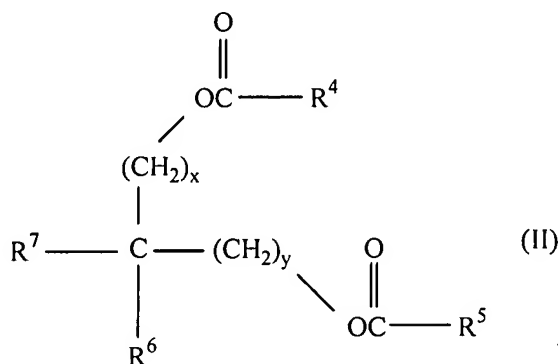
wherein z is an integer from 0 to 6 and R^8 is an aliphatic hydrocarbyl moiety having 4 to 24 carbon atoms”.

Kodali et al. do not cure the deficiencies of Lal. Specifically, Kodali et al. fail to

disclose a lubricating oil composition within the scope of Claim 1, comprising, “(a) a major amount of a base oil of lubricating viscosity and (b) a minor deposit-inhibiting effective amount of a reaction product prepared by transesterifying at least one glycerol ester with at least one non-glycerol polyol ester”. Kodali et al. also fail to disclose a lubricating oil composition within the scope of Claim 15, comprising, “(a) a major amount of a base oil of lubricating viscosity and (b) a minor deposit-inhibiting effective amount of a reaction product of at least one first polyol ester of the general formula:

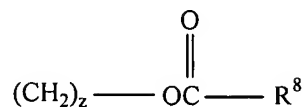


wherein R^1 , R^2 and R^3 are independently aliphatic hydrocarbyl moieties having 4 to about 75 carbon atoms; and at least one second polyol ester of the general formula:



wherein x and y are the same or different and are integers from 1 to 6, R^4 and R^5 are independently aliphatic hydrocarbyl moieties having 4 to 24 carbon atoms and R^6 and R^7 are

independently hydrogen, an aliphatic hydrocarbyl moiety having 1 to 10 carbon atoms or



wherein z is an integer from 0 to 6 and R⁸ is an aliphatic hydrocarbyl moiety having 4 to 24 carbon atoms”.

It is well established that to establish obviousness based on a combination of the elements disclosed in the prior art, there must be some motivation, suggestion or teaching of the desirability of making the specific combination that was made by the applicant. Kodali et al. disclose oils prepared by transesterifying a first glycerol polyol ester with a second non-glycerol polyol ester, which may contain one or more additives. The primary goal of Kodali et al. is to provide an oil having improved lubrication properties by transesterifying short saturated fatty acid esters with triacylglycerol containing oils, such as vegetable oils, formulated with a minor amount (i.e., about 0.001% to about 20%, based on weight) of one or more additives such as antioxidants, anti-foam additives, anti-wear additives, corrosion inhibitors, dispersants, detergents, and acid neutralizers.

In order to meet his burden of proving a *prima facie* obviousness rejection, the Examiner alleged that:

“[i]t would have been obvious to one having ordinary skill in the art to use the direct teaching of the secondary reference to Kodali et al. as strong motivation to actually use their transesterified product in lieu of or in addition to the transesterified products directly disclosed by Lai for the benefits that these oxidative stable transesterified products are taught to have. To use the transesterified products, as taught by the Kodali et al. secondary reference, within all of applicant’s claimed concentration ranges, is also deemed to be obvious since the secondary reference to Kodali et al. directly discloses these concentration ranges, including those of dependent claims 13-14 and 24-25 (when very low concentrations of TMPTH reactant are used in the transesterifying reaction), see Example 4

wherein a model is constructed for the transesterification of IMC-130 oil and TMPTH as shown in FIG. 3.”

The Examiner refuses to recognize that there is no appreciation in Kodali et al. of employing a minor deposit-inhibiting effective amount of the specifically recited reaction product with a major amount of a base oil of lubricating viscosity to form a lubricating oil composition. The presently recited reaction product is employed in the claimed lubricating oil compositions in a minor deposit-inhibiting effective amount which is dramatically lower than the amount that would be used for the transesterified reaction product disclosed in Kodali et al., formulated with a minor amount (i.e., about 0.001% to about 20%, based on weight) of one or more additives.

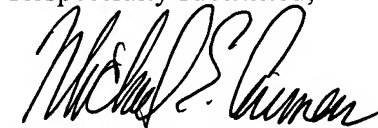
Contrary to the Examiner’s assertion that Kodali et al. directly disclose minor amounts of the recited reaction product including all of the claimed concentration ranges in Example 4 in Kodali et al., it can be seen that Example 4 and Figure 3 merely disclose the reaction product of IMC 130 oil and TMPTH. Any unreacted components such as IMC-130 *would merely be a part of the reaction product as recited in the claim* and not the major amount of a base oil of lubricating viscosity and minor amount of the reaction product as alleged by the Examiner. As stated in Column 10, lines 58-63 of Example 4 in Kodali et al., “[a] statistical model based on a random distribution was developed to determine how the long chain fatty acids of IMC 130 oil TAGs and the short chain fatty acids of the non-glycerol ester would be distributed when short chain fatty acid esters were transesterified with IMC-130 oil at different concentrations.” Thus, contrary to the Examiner’s position, nowhere in Example 4 or Figure 3 is there any disclosure or suggestion of a lubricating oil composition containing a major amount of a base oil of lubricating viscosity and a minor amount of the presently recited reaction product.

Nothing in Kodali et al. would therefore lead one skilled in the art to modify the compositions of Lal by looking to the disclosure of Kodali et al. and arrive at the presently claimed lubricating oil compositions containing (a) a major amount of a base oil of lubricating viscosity and (b) a minor deposit-inhibiting effective amount of the specifically recited reaction product with any expectation of success. Accordingly the Examiner's position is untenable and appealed Claims 1-31 are non-obvious, and therefore patentable, over Lal in view of Kodali et al. Thus, appealed Claims 1-31 are allowable and the rejection should be withdrawn.

E. CONCLUSION

For the foregoing reasons and for all of the reasons of record, it is submitted that appealed Claims 1-31 are patentable over the prior art relied upon by the Examiner. Reversal of the final rejections by the Board is therefore believed to be warranted, such being respectfully requested.

Respectfully submitted,



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(8) **CLAIMS APPENDIX**

1. A lubricating oil composition comprising (a) a major amount of a base oil of lubricating viscosity and (b) a minor deposit-inhibiting effective amount of a reaction product prepared by transesterifying at least one glycerol ester with at least one non-glycerol polyol ester.
2. The lubricating oil composition of Claim 1, wherein the glycerol ester is a mixed glycerol fatty acid ester.
3. The lubricating oil composition of Claim 1, wherein the glycerol ester is a C₄ to about C₇₅ glycerol fatty acid ester.
4. The lubricating oil composition of Claim 1, wherein the glycerol ester is a vegetable oil.
5. The lubricating oil composition of Claim 4, wherein the vegetable oil is selected from the group consisting of corn oil, rapeseed oil, soybean oil, and sunflower oil.
6. The lubricating oil composition of Claim 5, wherein the rapeseed oil is canola oil.
7. The lubricating oil composition of Claim 1, wherein the non-glycerol polyol ester is a trimethylolpropane ester.

8. The lubricating oil composition of Claim 1, wherein the non-glycerol polyol ester is trimethylolpropane triheptanoate.

9. The lubricating oil composition of Claim 1, wherein the glycerol ester is a vegetable oil and the non-glycerol polyol ester is a trimethylolpropane ester.

10. The lubricating oil composition of Claim 1, wherein the glycerol ester is canola oil and the non-glycerol polyol ester is trimethylolpropane triheptanoate.

11. The lubricating oil composition of Claim 1 wherein the minor deposit-inhibiting effective amount of the reaction product is about 0.05 to about 10 wt. %, based on the total weight of the composition.

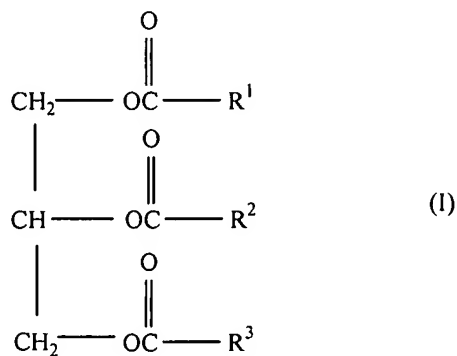
12. The lubricating oil composition of Claim 1 wherein the minor deposit-inhibiting effective amount of the reaction product is about 0.1 to about 8 wt. %, based on the total weight of the composition.

13. The lubricating oil composition of Claim 1 wherein the minor deposit-inhibiting effective amount of the reaction product is about 0.2 to about 5 wt. %, based on the total weight of the composition.

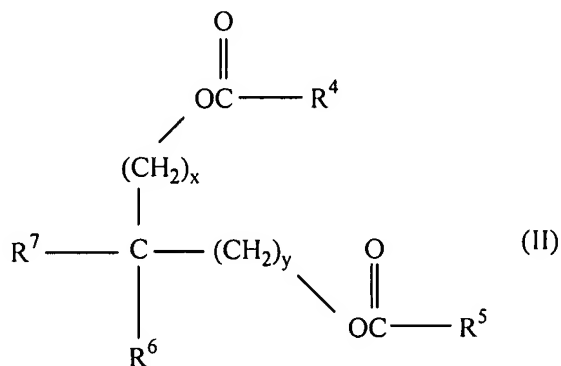
14. The lubricating oil composition of Claim 10 wherein the minor deposit-inhibiting

effective amount of the reaction product is about 1 to about 5 wt. %, based on the total weight of the composition.

15. A lubricating oil composition comprising (a) a major amount of a base oil of lubricating viscosity and (b) a minor deposit-inhibiting effective amount of a reaction product of at least one first polyol ester of the general formula:

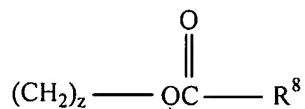


wherein R^1 , R^2 and R^3 are independently aliphatic hydrocarbyl moieties having 4 to about 75 carbon atoms; and at least one second polyol ester of the general formula:



wherein x and y are the same or different and are integers from 1 to 6, R^4 and R^5 are independently aliphatic hydrocarbyl moieties having 4 to 24 carbon atoms and R^6 and R^7 are

independently hydrogen, an aliphatic hydrocarbyl moiety having 1 to 10 carbon atoms or



wherein z is an integer from 0 to 6 and R⁸ is an aliphatic hydrocarbyl moiety having 4 to 24 carbon atoms.

16. The lubricating oil composition of Claim 15 wherein the base oil of lubricating viscosity is comprised of a mineral base oil.

17. The lubricating oil composition of Claim 15 wherein the base oil of lubricating viscosity is comprised of a polyalphaolefin base oil.

18. The lubricating oil composition of Claim 15 wherein R¹, R² and R³ of the first polyol ester are independently selected from an aliphatic hydrocarbyl moiety having 4 to 24 carbon atoms, wherein at least one of R¹, R² and R³ is a saturated aliphatic hydrocarbyl moiety having 4 to 10 carbon atoms, and wherein at least one of R¹, R² and R³ is an aliphatic hydrocarbyl moiety having from 11 to 24 carbon atoms.

19. The lubricating oil composition of Claim 18 wherein the aliphatic hydrocarbyl moiety having from 11 to 24 carbon atoms is derived from a fatty acid selected from the group consisting of oleic acid, eicosenoic acid and erucic acid.

20. The lubricating oil composition of Claim 15 wherein the first polyol ester is canola oil and the second polyol ester is a trimethylolpropane (TMP) ester selected from the group consisting of TMP tri(2-ethyl hexanoate), TMP triheptanoate (TMPTH), TMP tricaprylate, TMP tricaprinate, TMP tri(isononanoate) and TMP trioleate.

21. The lubricating oil composition of Claim 15 wherein the first polyol ester is canola oil and the second polyol ester is TMP triheptanoate (TMPTH).

22. The lubricating oil composition of Claim 15 wherein the minor deposit-inhibiting effective amount of the reaction product is about 0.05 to about 10 wt. %, based on the total weight of the composition.

23. The lubricating oil composition of Claim 15 wherein the minor deposit-inhibiting effective amount of the reaction product is about 0.1 to about 8 wt. %, based on the total weight of the composition.

24. The lubricating oil composition of Claim 15 wherein the minor deposit-inhibiting effective amount of the reaction product is about 0.2 to about 5 wt. %, based on the total weight of the composition.

25. The lubricating oil composition of Claim 21 wherein the minor deposit-inhibiting effective amount of the reaction product is about 0.2 to about 5 wt. %, based on the total weight

of the composition.

26. The lubricating oil composition of Claim 15 wherein the composition has an SAE Viscosity Grade of 0W, 0W-20, 0W-30, 0W-40, 0W-50, 0W-60, 5W, 5W-20, 5W-30, 5W-40, 5W-50, 5W-60, 10W, 10W-20, 10W-30, 10W-40, 10-50, 15W, 15W-20, 15W-30 or 15W-40.

27. The lubricating oil composition of Claim 15 having a phosphorous content not exceeding 0.08 wt. %, based on the total weight of the composition.

28. The lubricating oil composition of Claim 20 having a phosphorous content not exceeding 0.05 wt. %, based on the total weight of the composition.

29. The lubricating oil composition of Claim 27 having a sulfur content not exceeding 0.2 wt. %, based on the total weight of the composition.

30. The lubricating oil composition of Claim 28 having a sulfur content not exceeding 0.2 wt. %, based on the total weight of the composition.

31. The lubricating oil composition of Claim 15 further comprising at least one additive selected from the group consisting of metallic detergents, ashless dispersants, friction modifiers, extreme pressure agents, viscosity index improvers and pour point depressants such that the phosphorous content of the lubricating oil composition is no greater than 0.08 wt. % and the

sulfur content of the lubricating oil composition is no greater than 0.2 wt. %, based on the total weight of the composition.

(9) **EVIDENCE APPENDIX**

None

(10) **RELATED PROCEEDINGS APPENDIX**

None